

MINUTES**DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE****May 12, 2009****Conference Room L139, 14955 Galaxie Avenue, Apple Valley, Minnesota****1. CALL TO ORDER AND ROLL CALL**

Commissioner Paul J. Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 12:20 p.m. Commissioners in attendance:

Commissioner Joseph A. Harris, District 1
Commissioner Kathleen Gaylord, District 2
Commissioner Thomas Egan, District 3
Commissioner Nancy Schouweiler, District 4
Commissioner Liz Workman, District 5
Commissioner Paul J. Krause, District 6
Commissioner Willis E. Branning, District 7

Also in attendance were:

Brandt Richardson, County Administrator
Lynn Thompson, Division Director
Jay Stassen, Assistant County Attorney
Jeanne Nash Hoffmann, Administrator Coordinator

2. INTRODUCTION OF NEW STAFF

There were no new staff to introduce this month.

3. AUDIENCE

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. No one came forward.

4. APPROVAL OF THE AGENDA

Motion by Commissioner Gaylord, Second by Commissioner Schouweiler, and passed on a 7-0 vote to approve the agenda for May 12, 2009, as presented. Commissioner Krause indicated that there was limited time for this meeting with a time certain training session on Integrated Emergency Management Course that starts at 1:00. He said that 6.4 on the agenda would be moved to the May 19, 2009, Regional Railroad Authority meeting.

5. CONSENT/INFORMATION AGENDA

Motion by Commissioner Branning, Second by Commissioner Schouweiler, and passed on a 7-0 vote to approve the consent agenda.

5.1 – Minutes Of The April 14, 2009 Meeting**5.2 – Authorization To Execute Contract With Graphic Industries, Inc. For Final Design, Fabrication And Installation Of Park System Signage**

WHEREAS, the 2008 approved Park System Plan referenced the need for improved and additional signs for public orientation and creating a recognizable identity for County parks; and

WHEREAS, the Park System Plan specifically recommends sign plan implementation as a priority at all five regional parks and Thompson County Park; and

WHEREAS, the Park System Signage Phase I project consists of implementation of the highest priority signs including approximately nine entrance sign types, six kiosk, and eleven directional signs; and

WHEREAS, the 2009 Parks and Open Space Capital Improvement Program (CIP) includes funding for the Park System Signage Phase I project; and

WHEREAS, pursuant to advertisement, bids were received for the Park System Signage Phase I final design and construction project until 3:00 p.m. on April 28, 2009; and

WHEREAS, bidders were required to submit a Bid A for not-to-exceed costs for the final design, fabrication, and installation of one of each of six different sign types; and

WHEREAS, staff reviewed the bids and the Park System Signage Phase I sign needs and concluded that the firm of GeoGraph Industries, Inc., has provided the most advantageous and lowest cost Bid A for the final design and construction of the Park System Signage Phase I project; and

WHEREAS, using the GeoGraph Industries, Inc. Bid A amounts, the Park System Signage Phase I can be implemented within project budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with GeoGraph Industries, Inc. for the Park System Signage Phase I project, for the not- to- exceed amount of \$130,000, subject to approval by the County Attorney's Office as to form.

5.3 – Approval Of Transportation Enhancement Project Submittals For Transportation Advisory Board Safe Accountable Flexible Efficient Transportation Equity Act – A legacy For Users Solicitation Process

WHEREAS, the Transportation Advisory Board (TAB) is requesting project submittals for Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) funding for 2013 and 2014 under the Transportation Enhancements Program (TE); and

WHEREAS, SAFETEA-LU funding provides up to 80 percent of project construction costs; and

WHEREAS, the grantee must provide at least 20 percent construction match and maintain the project for its useful life; and

WHEREAS, project submittals are due on June 15, 2009; and

WHEREAS, all the TE projects are within the approved Dakota County Park System Plan; and

WHEREAS, four cities have expressed interest partnering with Dakota County on four TE projects; and

WHEREAS, in general the city would submit the application, provide design and engineering and construction administration and inspection; and

WHEREAS, in general the County would provide the local match and assume operations and maintenance of County owned facilities; and

WHEREAS, the cities will be asked provide a letter of intent to Dakota County prior to submittal; and

WHEREAS, in the event a grant project is awarded, the city and Dakota County will negotiate the terms of a joint powers agreement related to the project and the grant agreement; and

WHEREAS, in the event a grant project is awarded, the County Board would be asked to consider approval of the grant and joint powers agreement at a future meeting.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following projects for submittal to the TAB for SAFETEA-LU funding:

County - Transportation Enhancement Projects

- 1 Mississippi River Regional Trail Spring Lake Park Reserve
- 2 Lebanon Hills Connector Trail – East
- 3 Lebanon Hills Connector Trail – West
- 4 Sidewalks along CSAH 73 between CSAH 14 to CSAH 8
- 5 Streetscape/Sidewalks along CSAH 23 from 163rd St to 138th St.

; and

BE IT FURTHER RESOLVED, That subject to award of grant, the Dakota County Board of Commissioners would be asked to consider authorization to execute the grant agreement at a future meeting; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the following partnership projects for submittal to the TAB for SAFETEA-LU funding:

City and County - Transportation Enhancement Projects

- 1 Lake Marion/Juno Trail Extension from 185th St. to DNR Boat Landing (Lead Agency: Lakeville)
- 2 Mississippi River Regional Trail – Trailhead facility at Heritage Riverfront Park (Lead Agency: Inver Grove)
- 3 Pedestrian underpass at Dodd along North Urban Regional Trail (Lead Agency: Mendota Heights)
- 4 Minnesota River Trail between Cedar Avenue and I-35W (Lead Agency: Burnsville)

; and

BE IT FURTHER RESOLVED, That subject to award of a grant for a partnership project, the Dakota County Board of Commissioners will be asked to consider approval of a joint powers agreement with the city at a future meeting; and

BE IT FURTHER RESOLVED, That subject to award of grant, the Dakota County Board of Commissioners would be asked to consider project inclusion in the 2010-2014 Dakota County Capital Improvement Program.

5.4 – Approval Of Surface Transportation Program And Highway Safety Improvement Program Project Submittals For Transportation Advisory Board Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy For Users Solicitation Process

WHEREAS, the Transportation Advisory Board (TAB) is requesting project submittals for Title I of the Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy For Users (SAFETEA-LU) funding under the Surface Transportation Program (STP), Congestion Mitigation/Air Quality Program (CMAQ), Transportation Enhancements Program (TE), and Bridge Improvement Replacement (BIR); and

WHEREAS, the Minnesota Department of Transportation (Mn/DOT) is administering the solicitation process for the Highway Safety Improvement Program (HSIP) and Rail Crossing Safety; and

WHEREAS, SAFETEA-LU funding provides up to 80 percent of project construction costs; and

WHEREAS, this federal funding of projects reduces the burden on local taxpayers for regional improvements; and

WHEREAS, the grantee must provide at least 20 percent construction match and maintain the project for its useful life; and

WHEREAS, project submittals are due on June 15, 2009; and

WHEREAS, all the STP and HSIP projects are consistent with the approved Dakota County Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following Surface Transportation Program and Highway Safety Improvement Program projects for submittal to the TAB and Mn/DOT for SAFETEA-LU funding:

1. Reconstruct CSAH 9 from Scott County to the City of Lakeville boundary
2. Reconstruct CSAH 9 from CSAH 60 to CSAH 23
3. Construct intersection improvements at CSAH 31 & CR 64
4. Construct intersection improvements at CSAH 32 & Nicollet Boulevard
5. Construct an interchange at TH 13 & CSAH 5
6. Reconstruct CSAH 60 from west of CSAH 50 to Ipava Avenue.

; and

BE IT FURTHER RESOLVED, That, subject to federal funding award, the Dakota County Board of Commissioners will consider these projects for inclusion in the 2010-2014 Dakota County Capital Improvement Program.

5.5 – Approve Contract Amendment and Authorize Budget Amendment For County Project 42-91

WHEREAS, County Board Resolution No. 01-767 (December 18, 2001) requires that the County Board approve construction contract amendments totaling more than \$100,000 on any given project; and

WHEREAS, on County Project 42-91, the original contract amount of \$16,292,448.28 (Resolution No. 07-316; July 10, 2007), will overrun by \$715,000; and

WHEREAS, the County Engineer has reviewed these cost overruns and deemed them necessary; and

WHEREAS, Dakota County's share of the cost overruns is estimated to be \$342,000; and

WHEREAS, the 2009 Transportation Capital Improvement Program (CIP) includes \$52,000 for Transit Infrastructure; and

WHEREAS, a transfer of \$52,000 is proposed to offset the additional work for the bus pads, which were not anticipated during plan preparation; and

WHEREAS, a transfer of \$290,000 is proposed from County Project 73-18, construction and paving of County Road 73 in Inver Grove Heights, since construction will not occur in 2009.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby amends the construction contract with Shafer Construction Company, Inc. for County Project (CP) 42-91 from \$16,292,448.28 to \$17,007,448.28; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the amendment to the construction contract with Shafer Construction Company, Inc. for County Project 42-91; and

BE IT FURTHER RESOLVED, That the 2009 Transportation CIP budget is hereby amended as follows:

Expense	
CP 42-91	\$715,000
Transit Infrastructure	(52,000)
CP 73-18	(290,000)
Total Expense	\$373,000

Revenue

City of Burnsville & Scott County
Total Revenue

\$373,000
\$373,000

5.6 – Plat Commission Update – Information only; no action was requested.

6. REGULAR AGENDA

Dan Krom briefed this item and outlined staff's recommendation which was to defer to the Council to manage the structured program at this time. Rationale for this recommendation includes the uncertainty of the program design and future funding for the program, the lack of administrative funds for the management of the service contracts, and the lack of flexibility in how the service would be delivered if the County did manage the contract. Concern was expressed on the future of the dial-a-ride programs that are currently being provided by Darts and the City of Hastings. Staff was directed to work closely with the CAC in relating the County Board's concerns.

Motion by Commissioner Branning, Second by Commissioner Egan, and passed on a 5-2 vote (with Commissioners Gaylord and Workman casting the opposing votes) to recommend that the County Board adopt the following resolution:

6.1 – Response To Metropolitan Council's Request To Identify Dakota County's Role in Delivering Restructured Regional Dial-A-Ride Services

WHEREAS, the Metropolitan Council (Council) funds a number of locally controlled dial-a-rides (DAR), often referred to as Community Based DAR Programs, in the metropolitan area; and

WHEREAS, the Council assessed the program and determined that there were issues in the existing approach and process by which grants are awarded and service is provided; and

WHEREAS, on February 25, 2009, the Council approved a new Regional Dial- A Ride Service Delivery Plan; and

WHEREAS, a restructuring of the program will be developed and delivered collaboratively between the Council and the seven metro area counties through a Coordinated Advisory Committee (CAC); and

WHEREAS, the Council has requested that each county elect to either administer and directly operate or competitively procure the DAR transit service within their respective county; or defer to the Council to manage a competitively procured contract; and

WHEREAS, staff has assessed the impact to Dakota County of these options and has identified concerns with future funding for the program, the lack of administrative funds for the management of the service contracts, and the lack of flexibility in how the service would be delivered if the County did manage the contract; and

WHEREAS, based on these impacts, staff recommend that the County defer to the Council for procurement of services and administration of the program at this time; and

WHEREAS, staff recommends that the County reserve the right to reassess the administration and operation options in the future; and

WHEREAS, in response to a Council request that each county appoint two staff representatives to the CAC, the County Administrator has appointed the County's Deputy Social Services Director and the County Transit Manager as the County's representatives on the CAC; and

WHEREAS, at the first meeting of the CAC, the Council stated the CAC will have an active, engaged and empowered role in development the bid specifications, selection of the operators, development of operating policies and procedures, ongoing refinement to the program and communication of issues and concerns of service users and agencies to the Council; and

WHEREAS, staff has identified concerns and issues associated with the restructured program and recommends that CAC representatives continue to present these concerns to the Council as the restructured program is implemented and operated.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to notify the Metropolitan Council of the County Board's desire to have the Council administer the Community Based Dial-A-Ride program in Dakota County; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby reserves the right to reassess the County's role in the administration and operation of the program in the future; and

BE IT FURTHER RESOLVED, That staff is directed to work through their involvement in the CAC to address issues and concerns related to the DAR service as presented on May 12, 2009.

6.2 – Approval Of Major Modification To SKB Industrial Waste Landfill And Demolition Waste Landfill

Environment and Natural Resources Director Michelle Beeman, and Environmental Management Director Jeff Harthun briefed this item. They, along with Jay Stassen, Assistant County Attorney, addressed specific questions related to the approval of the modification. Metropolitan Council Staff Engineer Robert Criswell addressed the Committee on specific concerns on the permit.

Ron O'Gara and John Domke from SKB briefly addressed the Committee. This item was moved to the May 19, 2009 County Board meeting without a recommendation from the Physical Development Committee of the Whole.

6.3 – Consideration And Authorization To Apply For Energy Efficiency And Conservation Block Grant Through The United States Department Of Energy

Operations Management Director Taud Hoopingarner addressed the Committee.

Motion by Commissioner Schouweiler, Second by Commissioner Krause and passed on a 6-1 vote (with Commissioner Branning casting the opposing vote) to recommend that the County Board approve the following resolution that includes Option 1 as presented to the Physical Development Committee of the Whole meeting on May 12, 2009.

WHEREAS, Dakota County is eligible for an Energy Efficiency and Conservation Block Grant through the United States Department of Energy in the amount of \$685,400; and

WHEREAS, these grant funds are intended to be used to reduce fossil fuel emissions, decrease total energy consumption, enhance energy efficiency in the transportation, building, and other energy consuming sectors, spur economic growth, and create and/or retain jobs; and

WHEREAS, Dakota County is committed to providing leadership through the reduction of fossil fuel emissions, decrease in total energy consumption, enhancement of energy efficiency in the transportation, building, and other energy consuming sectors, spurring economic growth, and creating and retaining jobs within Dakota County.

NOW, THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to apply for an Energy Efficiency and Conservation Block Grant through the United States Department of Energy for the purpose of combining program/projects 1 through 4 of Attachment A , as presented on May 12, 2009, in addition to adding additional wall and ceiling insulation in select County facilities, in order to apply EECBG formula funds across multiple projects, or program areas; and

BE IT FURTHER RESOLVED, That upon award of EECBG funds, a request to accept the grant and amend the adopted budget will be submitted to the County Board for approval.

6.4 – Direction On Streetscaping And Discussion Of Design Elements For Cedar Avenue Transitway

Because of time constraints, this item was moved directly to the May 19, 2009, Regional Railroad Authority meeting.

DIRECTOR'S REPORT

There was no Division Director's update this month.

LEGISLATIVE UPDATE

The Legislative Update was provided at the Community Services Committee of the Whole meeting.

ADJOURNMENT

Commissioner Paul J. Krause adjourned the meeting at 1:10 p.m...

Respectfully submitted:

Jeanne Nash Hoffmann
Administrative Coordinator